

ORIGINAL

MEMORANDUM



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TO: Docket Control Center

Arizona Corporation Commission

RE: AZ CORP COMMISSION
DOCKET CONTROL

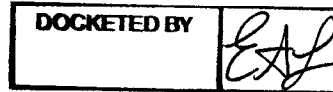
FROM: Steven M. Olea
Director
Utilities Division

~~DOCKETED~~

JAN 03 2014

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DATE: January 3, 2014



RE: EMPIRITA WATER COMPANY, L.L.C. - REQUEST FOR EXTENSION OF
COMPLIANCE DEADLINE (DOCKET NO. W-03948A-06-0490)

In Decision No. 69399, dated March 29, 2007, the Arizona Corporation Commission ("Commission") approved the application of Empirita Water Company, L.L.C. ("Empirita" or "Company") for a Certificate of Convenience and Necessity ("CC&N"). Specifically, Decision No. 69399 stated that Empirita should docket:

"...copies of the AOC issued by ADEQ for the water plant additions needed to serve the Redhawk II development within one year of the effective date of the order granting the CC&N"

Decision No. 70476, dated September 3, 2008, granted the CC&N to Empirita via an order preliminary which set a September 3, 2009 due date for the above mentioned AOC requirement. Commission Decision No. 71222 subsequently extended the September 3, 2009 due date until September 2, 2011. Commission Decision No. 72372 further extended the due date to the current requirement of September 3, 2013.

On August 29, 2013, Empirita docketed a request for a further six month extension of time, requesting that the Commission extend the due date for provision of the AOC on the Redhawk II development from September 3, 2013 until March 3, 2014.

The application states that of the project (i.e. the pumps, pipes and electric equipment along with the enclosure of the storage the Company began plans to "proceed with construction and installation" of the remaining portion reservoir). However, ADEQ required the Company to "resubmit its previously approved plan for construction of the aforesaid additional infrastructure". These plans were resubmitted to the Arizona Department of Environmental Quality ("ADEQ") who spent additional time reviewing the resubmitted materials. As a result, Empirita delayed their plans to order the required project equipment until it was certain ADEQ would approve the resubmitted plans. Although ADEQ did approve the resubmitted plans, the resulting ATC was not received by Empirita until August 14, 2013. The Company could not comply with the current September 3, 2013 requirement and sought an extension of time until March 3, 2014.

On December 30, 2013, Staff contacted Mr. Lawrence V. Robertson (Company Counsel) about the March 3, 2014 due date. Mr. Robertson had previously stated that an extra month on the

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request could be beneficial to the Company. Staff accepted this as a verbal amendment to the company's request for extension of time.

Based on all of the above, Staff does not object to an extension of time for the provision of the AOC on the water plant additions needed to serve the Redhawk II development. Staff therefore recommends an extension of time until April 30, 2014 for provision of the required AOC.

SMO:BKB:lm

Originator: Brian K. Bozzo

SERVICE LIST FOR:
DOCKET NO.

EMPIRITA WATER COMPANY, L.L.C.
W-03948A-06-0490

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